

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LAWRENCE CHRISTOPHER SMITH,
Plaintiff,
v.
SECRETARY, et al.,
Defendants.

No. 1:23-cv-00526-KES-SAB (PC)

ORDER DENYING PLAINTIFF'S MOTION
FOR DISCOVERY AND MOTION TO
EXPEDITE THE PROCEEDINGS

(ECF Nos. 54, 55)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff's motion for discovery and motion for an expedited hearing, filed September 22, 2025 and September 24, 20225, respectively. (ECF Nos. 54, 55.)

Plaintiff's motion for discovery is premature and shall be denied without prejudice. The Court has not screened Plaintiff's third amended complaint which was filed on September 15, 2025, to determine whether it is subject to dismissal or whether the action should proceed to discovery on Plaintiff's claims. 28 U.S.C. § 1915(e)(2)(B)(ii) ("Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that ... the action or appeal ... fails to state a claim upon which relief may be granted."); see also ECF No. 29 at 4 ("No discovery may be initiated until the Court issues a discovery order or otherwise orders that discovery begin.") The third amended complaint has not

1 been ordered served, no defendants have appeared, and discovery has not been opened.

2 Accordingly, Plaintiff's motion for discovery is premature.

3 Plaintiff's motion for an expedited hearing must also be denied. Plaintiff seeks an
4 expedited hearing pursuant to 28 U.S.C. § 1657(a). The Court does not have an expedited
5 calendar. Indeed, the Court has a large number of pending civil rights cases brought by
6 incarcerated Plaintiffs in various different stages of litigation, and Plaintiff has not shown good
7 cause to expedite the processing of this case to the detriment of other similar cases. Therefore,
8 Plaintiff's motion for an expedited hearing shall be denied.

9 Based on the foregoing, it is HEREBY ORDERED that:

- 10 1. Plaintiff's motion for discovery is DENIED;
- 11 2. Plaintiff's motion for an expedited hearing is DENIED; and
- 12 3. The Court will screen Plaintiff's third amended complaint in due course.

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14 IT IS SO ORDERED.

15 Dated: October 6, 2025



16 STANLEY A. BOONE
17 United States Magistrate Judge
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